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03/13/01

ASSISTANT COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
WASHINGTON, D.C. 20231

Express Mail No.: EL603009518US

Date Filed: March 13, 2001

Attorney Docket No.:

2003080-0069 (SK-744-US/CON2)

UTILITY PATENT APPLICATION TRANSMITTAL

(FOR NEW NONPROVISIONAL APPLICATIONS UNDER 37 C.F.R. § 1.53(B))

Dear Sir:

Please find enclosed a patent application and papers as follows for:

Inventor(s): Samuel J. DANISHEFSKY, Peter BERTINATO, Dai-Shi SU, Dongfang MENG, Ting-Chao CHOU, Ted KAMENECKA, Erik J. SORENSEN, Aaron BALOG, and Kenneth A. SAVIN

Title: *Synthesis of Epothilones, Intermediates Thereto, Analogues and Uses Thereof*

A) APPLICATION ELEMENTS:

1) X **Fee Transmittal Form** (original and duplicate submitted for fee processing)

2) X **Specification**

TOTAL PAGES: 112

- Descriptive Title of the Invention
- Cross References to Related Applications (if applicable)
- Statement Regarding Federally Sponsored R & D (if applicable)
- Reference to Microfiche Appendix (if applicable)
- Background of the Invention

EXPRESS MAIL NO.: EL603009518US
DATE FILED: MARCH 13, 2001

(Specification continued)

- Summary of the Invention
- Description of the Drawing (if filed)
- Detailed Description of the Invention
- Claim(s)
- Abstract of the Invention

3) ☒ **Drawing(s)** (35 U.S.C. § 113)

TOTAL SHEETS: 59 (original)

(both originally filed and formal drawings are submitted herewith) 76 (formal)

4) ☒ **Oath or Declaration**

TOTAL PAGES: 10

a) ☐ Newly Executed (original or copy)

b) ☒ Copy from a prior application (37 C.F.R. § 1.63(d))

i) ☐ DELETION OF INVENTOR(S): Signed Statement deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

c) ☐ Unexecuted

5) ☐ **Microfiche Computer Program** (Appendix) (if applicable)

6) ☐ **Nucleotide and/or Amino Acid Sequence Submission** (if applicable, all are necessary)

a) ☐ Computer Readable Copy

b) ☐ Paper Copy (identical to computer copy)

c) ☐ Statement verifying identity of above copies

B) ACCOMPANYING APPLICATION PARTS:

7) ☒ **Assignment Papers** (as filed in parent application; with cover sheet & document(s)); (2 sets: Reel/Frame: 9008/0728, Reel/Frame: 9234/0239) (12 pages)

8) ☐ **37 C.F.R. § 3.73(b) Statement**

9) ☒ **Power of Attorney** (combined with declaration provided) and copy of the **Notice Regarding Power of Attorney** (1 page)

10) ☐ **English Translation Document** (if applicable)

11) X **Information Disclosure Statement (IDS)/PTO-1449 and Statement Filed Pursuant to the Duty of Disclosure.** (6 pages total)

12) **Copies of IDS Citations** (not checked, because documents provided in 08/986,025)

13) X **Preliminary Amendment** (4 pages and 6 pages of Paragraph and Section Replacements for Preliminary Amendment)

14) X **Return Receipt Postcard (MPEP 503)** (specifically itemized)

15) X **Small Entity Statement(s)** (2 pages)

a) Newly executed

b) X Statement filed in prior application; status still desired and proper (37 C.F.R. § 1.28)

c) Unexecuted Small Entity Statement

16) **Certified Copy of Priority Document(s)** (if foreign priority is claimed)

17) **OTHER:**

C) FOR CONTINUING APPLICATIONS: (the appropriate box is checked, and certain information is provided below and in a preliminary amendment)

X CONTINUATION

 DIVISIONAL

 CONTINUATION-IN-PART (CIP)

OF PRIOR APPLICATION NO: 08/986,025

FILED: DECEMBER 3, 1997

EXAMINER: T. SOLOLA

GROUP/ART UNIT: 1626

FOR CONTINUATION OR DIVISIONAL APPLICATIONS ONLY: The entire disclosure of the prior application, from which an oath or declaration is supplied as detailed above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

D) CORRESPONDENCE ADDRESS:

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X Correspondence Address:

Karoline K. M. Shair
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Please charge the Deposit Account No. 03-1721 for \$1,960.00 to cover the basic filing fee and claim fees for small entity status.. If any additional fees are necessary please charge Deposit Account No. 03-1721.

Respectfully Submitted,

Karoline K. M. Shair

Karoline K. M. Shair, Ph.D.

Reg. No.: 44,332

JOINT

**APPLICATION
FOR
UNITED STATES LETTER PATENT**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

BE IT KNOWN, that We, **Samuel J. Danishefsky, Peter Bertinato, Dai-Shi Su, Dongfang Meng, Ting-Chao Chou, Ted Kamenecka, Erik J. Sorensen, Aaron Balog and Kenneth A. Savin** have invented certain new and useful improvements in **Synthesis of Epothilones, Intermediates Thereto, Analogues and Uses Thereof** of which the following is a specification

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

EE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$1,960.00

Complete if Known

Application Number
Filing Date March 13, 2001
First Named Inventor Danishefsky, et al
Examiner Name T. Solola
Group Art Unit 1626
Attorney Docket No. 2003080-0069

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to.

Deposit Account Number 03-1721
Deposit Account Name Choate, Hall & Stewart

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	355.00
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$355.00

2. EXTRA CLAIM FEES

Total Claims 90 -20** = 70 x 9.00 = 630.00
Independent Claims 24 -3** = 21 x 40.00 = 840.00
Multiple Dependent 135.00
Fee Paid 135.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$1,605.00

**for number previously paid, if greater, For Reissues, see above

FEE CALCULATION (continued)

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$

SUBMITTED BY

Name (Print/Type) Karoline K. M. Shair, Ph.D. Registration No. 44,332 Telephone (617) 248-5000
Signature Karoline K. M. Shair Date March 13, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.